

December 2004 - Internal Stakeholders Written Comment Summary

SUMMARY OF WRITTEN COMMENTS

Written Comment:

I thought the session in Madison ended up being pretty good especially after questions were being asked. For a long time I thought that CO should be reorganized by sections such as waste minimization and recycling, landfilling, administrative. But as I looked at your option 1, I decided it was still too confusing for the general public to understand who to go to. Therefore I do like Option 2. I think the general public has an understanding of the different areas of HW, SW, Recycling, Mining. However, I don't think they understand what Special Waste is. Whenever we get calls at the front desk, it's more along the lines of I have this type of material; what can I do with it, etc. Special waste, in my mind, deals with specific pieces (such as computers, fl. bulbs, etc) and these have elements of haz waste, solid waste and recycling in them. I think we should just have key contacts for "special" materials that come up and not include the title in the section name of HW, SpW and Mining Section but make sure tasks are under scope of services for that section and the SW/Rcy section. I do like the Administrative Services and Technology Section being in charge of budgeting, workplanning, performance measures, data management. Those are all internal functions that fit together whereas in Option 1 under the Environmental Assistance Section, you have the management of grant activities and program budget which to me doesn't fit. Budgeting and workplanning to me go hand in hand.

My other comments have more to do with implementation. I haven't had time to read Bert Stitt's comments and have been told some of what I'm going to mention is in his comments. I feel no matter how the program (CO and region) is organized, it won't matter unless the trust of each other improves, the attitude changes -- respecting each other for their qualities and sometimes, just accepting, they are the boss and that is how things are going to, and making sure that people have been accountable in getting their "new job done. An idea that might help in this is to identify all the jobs we need, along with skill sets, and have everyone "apply" for jobs they are interested in. This way, THEY will have a choice in their professional direction and have not been dictated as to where they will work and on what. I have no idea as to whether the unions and HR would allow something like this but I really think it would be helpful to "give people the choice".

Also I have concerns as to how long this will take. The last reorg took too long and not everything was implemented; plus special consideration was giving to certain people. I think it needs to be cut and dry and we need to bite the bullet and say we don't need certain skill sets any more and if people don't fit into that, then it is just accepted and we don't "find a way" around it such as creating a job for 1-2 year assignment because they are going to retire soon (some of these folks are still here after a number of years). We need to look at the skill sets needed and not think about the person it affects. Otherwise we are straddled with dealing with things that didn't fit into our overall program objectives. I would hope this reorg would take no longer than a year to do. It's like a divorce -- you can make it long and painful for both you and the other person or you can say that's it, and move forward.

Thanks for all the work you have put into this.

Written Comment:

Questions that come to mind at this time are the following

- 8 Hydrogeologists and 8 engineers from throughout the **regions** would be designated as plan review staff

This bullet brings to mind the question of what happens to the engineers and hydros that are assigned to the sections in Central Office?

- 1 hydrogeologist and 1 engineer from the Bureau would be designated as plan review experts providing oversight, mentoring, technical assistance and peer review functions

Why wouldn't/couldn't regional hydrogeologists and engineers have the opportunity to compete for the "expert" role? Certainly, many of them have the same expertise and arguably, are better qualified. Regional review staff have honed their expertise by continuing to work their classification specifications where their central office peers may have lost their "edge" as a result of being charged with other responsibilities. Additionally, I see a potential conflict of time management should the experts ultimately come out of the central office. These same experts will be involved in time intensive activities such as guidance, policy, rule making, etc., especially since the **Business Function** of Policy Development and Guidance proposes to use the EMS policy template. While I'm not debating the use of this template, one needs only to look at the length of time taken, using this template, with the 1200' rule. It appears that in light of staff reductions and the need to streamline many of our programs' business functions, that we not miss the opportunity to streamline, to the extent possible, the way we develop policy, guidance, and rule making.

- The plan review experts would oversee **all** plan review assignments and work in concert with the appropriate supervisors

The above bullet from the 12-6-04 memo specifies "all" plan review assignments. It was my understanding from the Wausau meeting that the experts would review **ONLY** the complex or precedent setting assignments as stated the bullet that follows the above. This bullet appears to contradict the following statement:

"Plan review decisions on complex, unusual or precedent setting issues will be submitted to the plan review experts for review and approval. Signature authority for such approval includes the regional supervisor, plan review staff and at least one of the plan review experts." (Additionally, the Redesign Recommendation Grid states: "Experts would review all plan review decisions that are unusual and precedent setting.")

2. The Recommendations Grid (p. 1) specifies that we will designate 2 staff from the program to be responsible for licensing of hazardous waste facilities throughout the state. The work location for these staff is undetermined at this time but we do not see a need to replicate this function in each of the regions.

The Program needs to expand on the concept of Number 2 above. For example, look to the same for the Owner Financial Responsibility (OFR) tasks. The HW licensing, OFR, and other related Program activities can be located where the current skill sets reside. We shouldn't place the Program in a "box" by prematurely deciding which positions are Central Office and which are Regional.

Redesign Recommendation Grid

While I understand the details have not been worked out, regarding the "Technical Review" options, I see a potential contradiction to streamlining efforts. A facility may have a hydro/engineer assigned to do a review at one time and yet another hydro/engineer assigned to do another review at this facility at a later date. Streamlining efforts would be lost under this scenario since more time would be required to go back through the file for staff to familiarize themselves with the project background et al. What I recommend the Redesign Team consider, is we stay with plan review as we now know it *and* require supervisors of plan review staff to take responsibility to route draft reviews to the experts for their review, comment, and concurrence. (This could be modeled after the preconstruction meetings we have with facilities - comparable to a preapproval meeting internally to discuss unusual or precedent setting issues. Signed approvals would then precede immediately after this

meeting/conference call.) Correcting the few shortfalls with the present system would negate the issue with files outlined immediately below and would not frustrate the facility's contact regarding who they'd call with day-to-day issues vs. in-house plan review questions. The facility would have one contact for *all* issues!

Active facility plan files have been decentralized. Under this option, who would be responsible for the file? Furthermore, it's conceivable that the file could easily be spread around at more than one location. How is this conducive for easy access for an opens record request? This revolving plan review model has the potential for a facility contact to experience frustration when they have a need for a quick response. Further discussion of this model needs to occur to ensure that we stay true to our streamlining and responsiveness commitments.

Conspicuously missing from the redesign team's efforts to date are the issues of accountability and trust. As we know, these both were identified as issues dating back to the team effectiveness surveys and again highlighted in the beginning of the program redesign efforts. Will both these issues be addressed and will mgrs. and staff have the opportunity to comment on the details of these specific issues prior to the WaMT 's meeting on Jan. 18th, at which time we'll be "approving" (not sure this is the appropriate action/purpose of the meeting) the recommendations before they go to Al Shea?

Written Comment:

I promised some feedback on the redesign and here is a distillation of my notes from the AWMT meeting:

- What is different - Exactly what is changing is not altogether clear. I can infer from some of the parts of the document that there will be some changes but my sense is that there may be some value in saying directly that "X" was done one way before and is expected to do "this" way now. Correspondingly, knowing the "delta" for change may help to assess whether it has actually occurred along with suggesting how the change will occur and who is actually going to be held accountable for the change and a manager assigned to report on the change.
- In your report you identify "innovation" in the desired future state (my terms) yet it is unclear in the structure tasks or duties either enables innovations or protects innovators. For example, you have clearly indicated a Green Tier champion in headquarters but I see nothing that would provide safe haven for the innovator or a vehicle for engagement with the program - in essence isolating both the innovation and the innovator. That is one example. I believe that there are others.
- Within the report, I don't see analysis. What are the industry, regulatory and governance trends to which you are responding and/or targets that you are seeking to achieve. While there seem to be some empirical drivers, I did not get the sense that there was an analysis of conditions and future directions.
- I would echo one of Al's comments, how is responsibility shared? I was left with a very compartmentalized view of the program. That may be appropriate for an organizational diagram but I think that there needs to be some presentation of the interdependencies and co-benefits derived from shared responsibility.
- I thought that the empowering of the regions to be creative was lacking. Right now your greatest assets, bar none, are at the regional level. Neither leadership (with the exception of John Melby) nor creativity exist within the central office cadre. It strikes me that organizing around the regional capabilities to drive change and empowering the regional innovators (at the staff level with the possible exception of Mike Degen) to create the impetus for change might be a more sound strategy. Regardless of the options selected from those currently on the table, your innovators are going to be mired in both bureaucracy and traditional programmatic bounds.
- Of the two options on the table, I would recommend the selection of the traditional organizational structure but make it very clear with a listing of the change elements, change

agents and an accountability track what you would expect to be different or you will be launching another 5+ years as happened with the reorganization that was subject to passive/aggressive resistance dominated by risk avoidance and retrenchment.

Written Comment:

I *strongly* prefer Option 2 for the following reasons:

- (1) Option 2 reflects a logic and simplicity that I think will help us in ways we can anticipate (communicating with legislators, the media, stakeholders, local governments, other DNR programs, Waste staff in the Regions) and ways we can't. I could explain Option 2 to my mother -- a valuable characteristic for building solid credibility for the program.
- (2) The logic behind Option 1 is more obscure, at least to me: isn't "environmental assistance" part of "program implementation?" Who do I go to with a solid waste question? (answer: "it depends.") Policy development, innovation, outreach, and training all need to be put to the service of programmatic goals. This seems more likely with Option 2, because the work unit responsible for these functions is not separated by an organizational line.
- (3) I think our staff skills align more closely with Option 2 than with Option 1, particularly the skills listed in the Environmental Assistance Section.
- (4) The services to be provided by the Environmental Assistance Section in Option 1 strike me as difficult and "squishy" in nature. I would perhaps have more confidence that these could be delivered in a program growth environment where resources were plentiful and we had frequent opportunities to hire specific skills to fill gaps -- but that's not the reality we face.
- (5) One mandate from AI that I've heard several times now is to stick to the knitting -- do our core work diligently and well. Option 2 seems to be more oriented toward, and more likely to support, core work than Option 1.
- (6) Partly because of (5), above, I'd worry that an imbalance would develop in the workload among Option 1's Environmental Assistance and Program Implementation Sections.
- (7) I believe Option 2 favors the development of concrete objectives that promote accountability. The purpose statements of Option 2 just seem more implementable than those of Option 1.
- (8) Option 1 suggests (again, at least to me) a process orientation rather than a results orientation. The Environmental Assistance Section seems driven by process. In fact, I'd foresee conflicts arising between that section and the Program Implementation Section, which would by necessity be more results oriented. I think Option 2 avoids this potentially damaging dichotomy.
- (9) Option 2 seems more likely to dovetail gracefully with the way Regions are organized and how work gets done there.
- (10) Regarding standing teams, Option 2 gives you much more flexibility in how standing teams are organized and held accountable. Option 1 would appear to require teams similar to what we have now, to ensure the core work gets done, and would perpetuate the problems and inefficiencies we have been grappling with for the past several years.
- (11) Option 2 appears more likely to me to facilitate the development of in-depth staff competencies. This is the key to promoting innovation -- having people who *really understand* their specialties, and have the confidence to think creatively. I am very skeptical of the notion that you can impose innovation from above, as Option 1 seems to attempt to do.
- (12) I particularly like the close juxtaposition of solid waste and recycling in Option 2. I think it reflects the changed nature of the solid waste industry and how we regulate it -- what we should be focusing on from a policy standpoint. This seems very promising as a way to move toward a goal of zero waste.

I give the redesign team a lot of credit for sticking with this task and developing two very distinct alternatives. I think Option 2 promises immediate, concrete improvements in how we do business. Good luck in your continued efforts.

Written Comment:

I favor Option 2 because it appears to have the best chance for resolving problems related to distrust and lack of communication between staff and Bureau management, and of improving our program's overall efficiency. Please see explanations and further comments below.

Option 1, in the Environmental Assistance Section, emphasizes Bureau functions such as policy development, program outreach, and strategic planning - all worthy activities in themselves. However, this Option provides little or no evidence of communication or interaction between "assistance" services performed by management staff and program technical and field staff. There exists a vast gap between staff and the activities of management in our program, and Option 1 would exacerbate this gulf. The best management structures incorporate a tight interchange among a program's elements tending to even out the bureaucratic hierarchy and increase efficiency.

Option 2, by elevating actual work units to Section status, provides more opportunity for integration of all Bureau functions. In Option 2, the development of policy, outreach etc. serve to support the main work functions of the program. In this Option, there would be more ability for technical and field staff to inform management direction, and perhaps, less of a tendency for management to respond to external interests inappropriately.

Some may fear that program creativity, program outreach, strategic planning, and political interests may be compromised in Option 2. However, I recall numerous fairly successful interactions between the program technical and field staff, and our external customers in these areas in the past. For example, staff, in conjunction with their supervisors, would often conduct research projects and present their findings before the regulated community and others. This tied the program's work to a larger whole while improving work quality. Staff should be closely and regularly involved in discussions about industry needs and changes in technology, more likely achieved under Option 2.

I was glad to see that Information Technology was given additional importance in Option 1, as it needs more recognition in our Bureau. However, IT should also be considered a support function rooted in program needs.

Written Comment:

Hi Sue and Dave, I had a chance to look over all of the material handed out at our last AWMT meeting earlier this month. There sure was a lot of it and I read and reread most of it. My compliments to all whom worked on it. From the quality of the documents it was obvious that a lot of time and effort and good critical thinking went into the process.

I was particularly impressed by the development of the Visions and Goals for the Waste Management Programs, the list of Business Functions and the Proposed Management Systems including the Scope of Services and the Key Processes.

I have to admit the development of the two Proposed Management Structures was not what I expected to see. Dave H. and I had a chance to discuss my concerns and I now understand that the team ran short of time when putting together the organizational structure options. So I want to be clear I do understand the time constraint they were under and hope my comments will be taken in the constructive manner in which they are offered.

As I understood the process the first step was to develop the Visions and Goals. Based on that first step the Business Functions to support the Visions and Goals were developed and then the proposed Management Systems (including the Scope of Services and Key Processes) to support the Business Functions were developed. Last was the development of the organizational structure(s) to support all of the above with direct linkage in support of the Scope of Services and Key Processes.

I expected to see the two different organizational structures but I also expected to see the same Scope of Services and Key Processes under both organizational structures although possibly and probably under different Sections. What I saw were important Scopes of Services and Key Processes in support of the identified Business Functions that were included under one management structure but not another.

For example Enforcement was identified as one of the important Business Functions of the Waste Program. Under Option 1 Enforcement is clearly identified as a Key Process under the Program Implementation Section. Option 2 has absolutely no mention of Enforcement. Likewise Option #2 places an emphasis on tracking implementation of Green Tier under the Administrative Services and Technology Section but there is no mention of Green Tier anywhere in Option #1. Budget Management is shown as a Key Process under the Administrative Services and Technology Section of Option #2 but is found nowhere in Option #1. I won't go on but there are many Key Processes or Scope of Services, which show up in one organizational structure but not in the other. I would suggest the redesign team needs to spend some more time on this. As a start I'd recommend writing down all of the Scopes of Services and Key Processes that support our Business Functions then take each one of them separately and place the responsibility for those processes and services under the appropriate section of each option. At the end we will have two organizational options to choose from either of which will support our Business Functions but each in a different manner.

Absent in the discussion of the organizational structure is any mention of changes or impacts either of Options may have on the structure of the regional waste program or the standing teams. I suspect the root cause of this is again the time constraint. But I just don't see how we can not address these impacts. If the intent is to maintain the status quo then we should say so. I don't like the idea of making major changes to Central Office structure without some forethought or consideration of intended or unintended consequences it may have on regional or standing team operations. I'm not comfortable with letting the cards fall where they may and sorting things out later. My recommendation is that we be proactive on this issue and not approach the redesign in a piecemeal manner.

Those were my two overall concerns but I also have some concerns with the language and/or recommendations in the handouts so probably the best way is to go through the documents I have and raise my concerns.

In the December 6,7 Issue Brief I have only one small comment on the third page under Factors that Lead to Redesign. One of the factors listed is "different economy: smart growth". Was this intended to be one and the same? I would have looked at them as two distinctly different factors. Different economy to me means faster paced, worldwide competition, constant mergers forming bigger and bigger companies' etc. Smart Growth is the land use law, which is supposed to assure we plan and coordinate growth and development in the best possible manner. I'd break them apart into two individual factors. I'd also comment that the changing economy was much more influential in driving the need for a redesign than Smart Growth.

In the Waste Program Redesign power point handout I'd make the same change on the different economy: smart growth wording I suggested above. It's used on slide 4 of the power point.

On slide 5 of the power point I'd modify the second bullet to read "Program is adaptive, progressive and **appropriately** collaborative."

I really like the idea emphasized in the power point that we will operate a data driven Waste Program.

I have a number of comments on the Waste Management Program Redesign Recommendations Grid.

- Under Plan Review and Licensing I don't think it is a good idea to assign one person in the Central Office or elsewhere to be the Green Tier Specialist. We have had quite a bit of experience in our region with establishment of cooperative environmental agreements and we are currently discussing a Green Tier program with one of our TSD's. What has worked really well is to have the regional program contact team with the regional CEA business sector specialist to work with the regulated facility. The regional program contact is usually

familiar with the source and has an established working relationship with the source. This puts them in a good position to identify innovative opportunities at the source as well as providing some level of comfort to the source who may be apprehensive in participating in a program that by its nature is somewhat undefined. The regional program contact also usually has built relationships with the other programs (Wastewater, Stormwater, R&R and Air) that makes it easier to identify innovative opportunities and fosters integration across programs. The regional CEA sector specialist can provide the administrative support and knowledge of the Green Tier program. I also agree as was stated in the cons for this recommendation that when you rely too heavily on one individual for a critical base of knowledge they are difficult to replace should they become ill or move on to another position the program can go dead in the water. My preference would for implementing the Green Tier program would be that individual program staff within the regions have the flexibility to work plan Green Tier hours into their individual workplans and actually take a very active role in implementation of the program. I think this will help ingrain the Green Tier concept throughout the program. I don't see good buy in when the responsibility sits in the lap of one person. I also question why we are calling the goal of enrolling two TSD's in Green Tier a **pilot**. To me a pilot is something sort of experimental and short term. Green Tier is an established program and is meant intended to be widely and fully implemented now, not piloted.

- Also under Plan Review and Licensing I don't think we should "Centralize" or form a special team to conduct HW licensing. I am not convinced that it would streamline the process. I would agree more with the cons listed in the document: that we would loose the local connection and relationship we have with the facility and as in Green Tier too much important program knowledge would be in too few people's heads.
- I like the proposal for handling self-certification.
- I have some questions and concerns about the technical plan review process with a hydro and engineering expert and 8 dedicated hydros and engineers. What is wrong with the present model? We have received a number of compliments from externals on how we have done plan review under the present model. What specifically are we trying to fix? And is this the only way to fix it? It seems that we are trying to set up a structure that will prevent us from failing not encourage us to excel and foster innovation. I have a concern this will only perpetuate and may actually assure we continue to do things the way we have always done them. I also have the concern you both heard at the December AWMT meeting with possible confusion on who is actually held accountable for the work getting done.
- Under Inspections, Audits and Program Evaluations I would include an outreach and education component in the strategy on how we redirect our resources to deal with the small and very small generators.
- I really like the idea of distributing workload as needed across regional boundaries. This was a recommendation in the Grant Thornton report for our 1996 reorg. Recently the air program used this concept successfully to complete the operation permit backlog and depending on future work force reductions we may not end up with staff in the ideal geographical locations.
- I don't disagree with the need to cut back on RU program evaluations and replace them with outreach as we have had a very successful regional outreach program. But I would like to say greatly reduce or de-emphasize RU program evaluations rather than drop them completely. There may be some limited instances where a RU evaluation is necessary.
- Under Policy Development I don't have a problem with using more enforcement discretion memos to allow best management of waste but this strategy should be a **short-term fix**. If a rule no longer makes sense or if there is a better way to do things we should change the rule to make sense not just rely on enforcement discretion as a permanent fix. This could be a very slippery slope.
- What are pollution reduction credits? Heard of them in the air program but not in the waste program.
- Under Outreach and Education I think we meant to say Continue our efforts to reduce and /or eliminate open burning not "continue open burning"
- Under Enforcement I think we should wait until the AWMT provides division guidance on enforcement actions before we say we are going to stop taking enforcement action when

there is little or no environmental or health impacts of the violation. Both of you have heard my arguments that there may be a number of other criteria which are equally valid and important when we make a decision on whether or not to take an enforcement action including selective deterrence, level playing field, economic gain by non compliance, repetitive nature of the violation and staff effectiveness and integrity.

- I like the recommendation on complaint response although I think there will be some situations where the devil will be in the details but we'll just have to work through them. I would heartily agree we spend an inordinate amount of resources dealing with complaints where we see very little environmental gain.
- As I said earlier I like the greater emphasis on operating a data driven program. It's important for many reasons. To quote Mark Stokstad (and I think he was quoting Demming) "You can't manage what you can't measure".

I also had a few comments/thoughts on the two organizational structures beyond what I started this memo out with.

- Under Option 1. The Environmental Assistance Section, Scope of Services section we talk about assisting managers to develop career ladders for staff. I am not sure exactly what we are talking about. Is this simply a career plan? I think some may think this is the technical career ladder, which is parallel to a supervisory or management career ladder. This is where someone who prefers to work in a technical area can advance on a parallel salary path with someone who chooses to move to a management supervisory position. I am not opposed to the concept but it is more of a HR , OCER type responsibility not an individual bureau within one state agency. Again I was not privy to the discussions which preceded this item to be recommended so I may be off base. In any case it might deserve further clarification.
- Under Option 2. Administrative Services and Technology Section, Scope of Services section we talk about providing technical assistance to bureau staff. I would use program staff rather than bureau staff. This would be consistent with the Scope of Services under the IT and Management Section of Option 1 which states "Provide technical IT assistance to program staff".
- Also under the Option 2, Administrative Services and Technology, Roles and Responsibilities section I would modify the first bullet to read "Work with WMT and program staff to develop performance measures" As it presently reads it appears to include program CO staff in the process but exclude regional staff, with the exception of managers, from input"" I don't think this was intentional but that's how it reads.
- Also under the same section in the first bullet of Business Unit Interdependencies we use the term mining section. The mining section was proposed to be eliminated in the recent budget recommendations. Should that be reflected in the document? Not a big deal.

Thanks for providing the opportunity to comment on this very important change. Give me a call if you want to discuss any of my comments or concerns further I hope they are helpful and get people thinking.

Written Comment:

I wanted to make a few comments based on our meeting last week. I apologize for their brevity, but time has gotten away from meagain.

Plan Review

- I have mixed feeling about the proposed "plan review pool". I see an advantage to having those staff most interested and most capable of performing plan reviews being able to efficiently complete the reviews within deadlines. I also think a smaller group is better able to communicate and work together for consistency. But I also see potential major problems: setting up lines of supervision which are not clear and direct, multiple masters, and increased steps in the plan review process.
- Sue Fisher made a good point that we currently have processes in place for expert peer review and moving plan reviews beyond Regional lines when a particular region is

overloaded. These have worked well for our region (we have submitted drafts of major plan approvals through Chris and Bob and have involved them in all precedent setting decisions - we have also helped out the other regions at various times with plan reviews) although I recognize that it hasn't worked as well in other regions. The team needs to carefully assess why these processes failed in some cases so that we don't change one structure for another without getting at the base problem (I believe the problems are more related to accountability and communication).

- In general, plan review staff fall on the conservative side of the spectrum and managers tend to be more liberal. Many staff see managers as not understanding the aspects and importance of technical review and thus have concerns that managers aren't holding the line and protecting necessary requirements. Many managers have the perception that staff only see a narrow part of the overall picture and are unwilling to change. Both of these views are stereotypes and hardly universal, but there is some element of truth here. We currently have a pretty reasonable balance of views that allows us to move ahead with changing times, but not so fast that we lose sight of what our core values are. If we shift the balance towards the conservative side by shifting decisions to the staff experts, are we making our process more conservative? Is this good or bad?
- Its difficult to understand the role of the regional manager in the "pool" proposal. Are the regional managers responsible for staff accountability and discipline for missing deadlines, even if we are no longer assigning the work to the staff? Are regional managers being marginalized (by practice, even if unintended) to a role of signing approvals we aren't closely involved with? Wouldn't this set up the equivalent to having Dennis Mack supervise the C/D staff (for timesheets, attendance, etc.) while the decisions are made through the regional managers under our current system? This was rejected at the time of reorg for good reasons.
- It appears from the number of staff suggested for the pool that they will be working almost totally on plan review rather than including any work on policy issues which happens now. Did you intend this to be the case, particularly since our experience shows that those that do the work are instrumental in making policy changes that make sense.

Bureau Organization

- I see option one as a similar approach as that taken by reorg, only organizing the sections slightly differently. In other words, all of the problems with understanding where to go (both for internals and externals), teams needed to provide the program support but not integrating well with sections, and staff not identifying with their section will be no different than under the current organization. I believe that many of the principles which went into option 1 (better communication, advocacy, public involvement) are important for doing our business but we shouldn't try to organize that way. Organizing in the manner set out in option 2 cures many of the problems that reorg created. Our challenge is to infuse option 2 with those strategies that we want to promote.

Written Comment:

- I offer the following observations on plan review as someone who has worked in a service center, regional headquarters and central office.
- I really like the idea of sign off in central office for plan review and I think it should go even farther. I think at a minimum all plan of operations should be signed off in Madison and hopefully a lot more. Jack Connelly was just starting to get into it yesterday when he was talking about responsibility vs. authority. I wish he would have continued. There are huge discrepancies in this area. For me this is by far the biggest hurdle I have had working as a decentralized plan reviewer. GEF II says one thing and Region says another and I get stuck in the middle. And frankly I have tried very hard to tow the Madison line on projects but quite often Region doesn't want that.
- When plan review was decentralized some regions were not ready to handle it from both a technical and implementation perspective. Prior to reorg Region only had county landfills and no Onyx's or Waste Management's so they could pretty much do what they wanted. This is not the case any more and the recent requests from Company regarding their plan of

operation is a perfect example of this. Everything they are asking for in the vertical and horizontal expansion has statewide implications. Prior to reorg some regions were fortunate to have managers with technical backgrounds that were able to transition fairly smoothly to decentralized plan review as they had already been doing a fair amount of it. My understanding is that this was not the case for the Region.

- I think the redesign should go farther to re-centralize plan review because with all the changes we are being asked to make we all have to be on the same page. Technical and program implementation for plan review can not be separated which is what happened in reorganization. Its time to put back a core group of people who can do both. I think the message came through loud and clear from the externals that this is what they want.
- Lastly I really appreciate the technical support from Bob Greffe on plan review.

Written Comment:

I would like to preface my comments on the proposed CO structure options by reiterating the concern I identified in an email last week.

- By focusing the energy of the redesign team on restructuring the personnel and organization of the CO separately from the regions, I am concerned that we may not end up with the best program structure possible at the end of the process. From my perspective (and I think there are others who share a similar perspective), there may be some program functions that are staffed by folks located in service centers across the state that should be supervised by a single individual probably (but not necessarily) located in Madison. The clearest example of such a function that comes to my mind is plan review. For efficiencies, consistency, and maintenance of expertise, I think it makes good sense to operate the plan review functions of the program in a centralized manner. There may also be other functions of the program that would benefit from such an organization, but it would appear to be possible to leave the remainder of the program organized by region and central office. This would result in a hybridized structure, not too dissimilar to the one we have now, with the CD staff located in the CO and supervised in the regions. I strongly encourage the redesign team to clearly evaluate a wide array of new structures that challenge the existing barriers between CO and regions, and not limit the review to status quo due to time constraints.

Bureau Structure Option 1:

- It seems to me that Document Management should be identified as an important process for one of the sections (probably IT&M) - see the IT Strategic Plan for more detail on Document Management.
- It seems to me that one key skill set that should be identified relates to GIS, probably for the IT&M section. We need capabilities to develop GIS data, manage GIS data sets, and create GIS-web functionality. This is also identified in the IT Strategic Plan for the program.
- How will CO PA's support the IT&M section? It seems to me that whatever PA or PA's may be located in the CO are likely to be a part of the IT&M section.
- Though I applaud the concept of developing career ladders for technical staff (it is a major missing component to state service in Wisconsin), it is not clear to me why the EA section would be involved in developing those career ladders. How would staff-level folks in this section develop career ladders for their fellow staff, when the agency as a whole and state service in general cannot manage to develop anything remotely appearing like a career ladder for technical staff?
- It is also not clear why the EA section would be involved in developing training plans for staff. Right now, training plans are developed by staff and their supervisors.
- Some additional explanation is need for me to understand the intent of the PI section needing socio-economic skills.

Bureau Structure Option 2:

- It seems to me that Document Management should be identified as an important process for one of the sections (probably AS&T) - see the IT Strategic Plan for more detail on Document Management.

- It seems to me that one key skill set that should be identified relates to GIS, probably for the AS&T section. We need capabilities to develop GIS data, manage GIS data sets, and create GIS-web functionality. This is also identified in the IT Strategic Plan for the program.
- How will CO PA's support the AS&T section? It seems to me that whatever PA or PA's may be located in the CO are likely to be a part of the AS&T section.

Thank you for the opportunity to comment. I am sorry that I was unable to attend either of the staff sessions.

Written Comment:

Great meeting. Here are a couple thoughts while they are fresh in my mind:

- A significant strength of Option 2 is the combination of workplanning and budget in one section. These two items are streamlined when combined.
- There are a number of key central office "administrative" type functions that are more clearly presented in Option 1:
- Assist Managers with developing career ladders
- Assist Managers with developing training plans
- Provide comprehensive communications plan
- Arrange core training
- It seems to me that a good exercise would be to cross-walk the two options and identify where these things would fit under each structure. Perhaps in Option 2 (which seems preferred for programmatic purposes) some of these become functions of ad hoc teams or standing teams with relatively minor work loads (training could fit this model).

Thanks for the opportunity to participate and comment.

Written Comment:

Thanks for your work. The ReDesign Team came up with 2 distinct & well presented "options", & it was obvious to me the meeting held in Madison last week was very worth while. Here are my follow-up comments:

- Preference for Organization by Program, not by Function: I believe the programmic organization approach of Option 2 will much more efficiently support our objectives and management systems. However, I recommend consideration of somewhat different program lines, as follows:
 - HW Generation, Transport, Treatment & Storage (All current HW work. If a HW LF was proposed, I think the SW LF review staff would be best qualified for the assignment.)
 - Licensed Disposal Facilities, or Landfills (small & intermediate C&D LFs are unlicensed, but could be in this work unit)
 - SW Reduction & Recycling, & Non-Metallic Mining (SW reduction & recycling topics could be further subdivided among experts by business sector, or waste types/characteristics, &/or recycling methods.)
- Preference for Strong Emphasis on Environmental Assistance: I'm not sure it's necessary to organize a portion of the Bureau as shown in Option 1, but I believe there is a need to give a significant priority to environmental assistance, because it is our best chance to guide future decisions about how much waste will be generated & how it will be managed. I think a programmatic organization would also allow more efficiency in providing environmental assistance.

Written Comments:

Thanks for facilitating a productive meeting in Madison the other week. I wanted to send some comments sooner, but we are extremely busy. I would like to provide a couple general comments and a few specific ones (mainly related to the topics of the last redesign meeting) which I feel are most important to the success of this implementation. From the meetings that I have attended, it seems like we hear from 30% of the people 70% of the time. So here is my \$.02.

1.) **Centralize Plan Reviews.** I feel this is by far the most important benefit of the redesign. The waste program needs to have ONE central voice. As a staffer, it is very hard to do "right" thing when Region wants it one way and Madison another. Most of our technical expertise is located in Central Office or Fitchburg, this is where our voice should come from. As it is now, many facilities call around to individual regions to "shop" for answers until they find one that satisfies their want. This must change. Many of the one Region's staffers have advanced degrees, professional registrations and a high degree of technical competency. These people, and others of course, are the technical backbone of the waste program and are not being utilized to the best extent practical. As our system is set up now, we have regional supervisors (who have very little apparent technical knowledge, education, or willingness to understand complex concepts) making precedent setting decisions that have statewide implications. Our Feasibility Reports and Plan of Operation Reports are getting more complicated everyday. The days of local county dumps contracting with small-time consultants are over. Many of Wisconsin's landfills now are owned and operated by global corporations who hire the top-of-the-line environmental consultants and legal counsel. We need to "up our game" accordingly (understatement). Centralizing plan review will enable us to provide timely and legally defensible approvals, statewide consistency, and a central voice which would provide direct support to the waste program's mission.

2.) **Technical Supervision.** Another critical aspect of the waste program that has lead us down the dissolving path of trust is leadership. As a qualifier, I have all good things to say about the leadership that both you (Sue) and Al provided. This is different. As a staffer for over 7 years, I have never had a supervisor with any type of professional registration. I have also been unable to converse with any of my supervisors on the technical complexities of my job responsibilities. As others staffers may agree, this type of situation has stressed communications with supervisors and hampered professional development for newer program staffers. For example, someone in the private sector with the same amount of seniority as myself would already have a professional registration as a professional geologist. Because my supervisor is not a PG or PE, I am not even eligible to sit for this exam at this time. This situation is a severe hindrance to the professional development of many of the younger program staff. In the consulting world, this would never be the case as they need to "sell" their employees qualifications and credentials to gain specific work projects and clients.

3.) **Complaint responses.** Responding to complaints is very good PR. If we start "qualifying" complaints as they come in, we may find ourselves back on the defensive. Ever since I can remember the DNR has received tons of bad press, not responding to "some" complaints is a recipe for more.

4.) **Zero waste** is an idea to be temporarily shelved. Do we actually think society is moving in this direction? A quick visit to a landfill will provide the answer. If there was no waste to manage, would need a waste management program?

5.) **Intangibles** are very important and should NOT be overlooked. For example, trust with externals is just as important as trust among employees/management. Being a "regulator by phone" does little to establish trust or build strong working relationships. Landfill/Transfer station inspections, plan review meetings with externals, technical assistance to consultants and operators, and other "hands-on" methods of conducting business are what build trust with our stakeholders and citizens. Ever trust a "cold caller"? Weird as it may seem, shaking hands is not overrated.

6.) **8 hydros/8 engineers plan review staff.** Staff hydros and engineers are the work horses of the waste program. In many regions, these staff are spread way too thin. For example, in addition to the overwhelming amount of plan reviews in the past few years, hydros have been given administrative work including invoicing and data management, specialist work including inspections and complaint response/tracking and other work including rule writing/code changes, drafting guidance, and team work. It is clear that some staff are NOT pulling their weight. They should be given the opportunity to do so. The point is that if eight and eight are the goal for plan reviewers, then plan review work should be their only main responsibility. Other work mentioned above does not typically receive due credit and should divided among other non-plan review staff. At first I think many of the staffers were skeptical about the redesign of the program. Now, I think many are on board with the whole idea provided that positive changes come about that ultimately lead to a more solid program and a brighter future.

Written Comment:

Since our recent redesign session I have been thinking about the concept of considering an Option to "Sunset State Oversight of NR 135 Program". I can only come away with the conclusion that there are communication issues. I have prepared this document to help resolve this by 1) providing a fresh perspective - one that I request that you consider, and 2) providing important background on a summary relative to program genesis and the motivations for its creation.

INTENTION:

- Through this account I hope to make it clear that the Nonmetallic Mining Reclamation Program is not something to be cut but rather is more of a model of the successful use of the very Redesign Principles that are currently being espoused (Attachment 1).
- It was and is a collaborative process with a diverse group of stakeholders working together to develop an effective, streamlined, self-funded program with features creativity in its development and maintains the mechanisms for creativity and problem solving indefinitely. It was established at the initiative of a proactive industry to secure a level playing field and enjoyed broad bipartisan support of the legislature. Its evolution has been considered to be a model process featuring consensus between all levels of government, the roadbuilding industry and the extractive industry as well as environmental groups and citizens.

My primary comments, **Part I.** are directed at the "sunset" item.

Part II. at the end of the document is directed at other NMM Options.

Both Part I and Part II are supported by the below listed **Attachments**:

Attachment 1 shows how program relates to redesign Principals

Attachment II gives important background and historical context and perspective

Attachment III give select comments from the Responsiveness Summary & connections to redesign principles and EMS.

Part I. 6 RESASON S IT MAKES NO SENSE TO:

"Sunset State Oversight of NR 135 Program"

(1) FUNDING

The program is designed to be **self-funding**. The fees to support county or municipal administration and Department oversight and technical support will be obtained from fees imposed on active mining operations. RAs collect fees and forward DNR portion.

(2) LEGISLATIVE MANDATE (PLEASE SEE ATTACHMENT II "BACKGROUND & SUPPORTING MATERIALS)

Section 295, Wis. Stats., and as a result, proposed Chapter NR 135, Wis. Adm. Code, create a policy of partnership between the Department and county and local governments for the regulation of nonmetallic mining reclamation. Audits are a statutory mandate and for many good reasons.

Comments From Resp. Sum. Attach. III E, H

(3) REDESIGN PRINCIPLES

Existing Nonmetallic mining reclamation program fits all redesign principles (please see ATTACHMENT 1 below).

(4) KEEPING FAITH WITH EXTENSIVE ARRAY OF STAKEHOLDERS (Please see ATTACHMENT III "SELECTED EXERPTS from Responsiveness Summary)

Comments From Resp. Sum. Attach. III A, E, F, H, I

In the case of NR 135 the stakeholders were the driving force in the initiation of their program. Let's honor our existing commitment!

Actually, the primary driving force is industry Wisconsin Transportation Builders Association, Wisconsin Manufacturers and Commerce, along with county government has advanced this program and expects a certain level of DNR support for it. We should appreciate this model and

honor our commitments to stakeholders - it preceded the current efforts by a decade. It is, indeed, a model for optimizing positive impact with minimum "resources provided we are "smart" in how they are expended."

LIST OF STAKEHOLDERS

Wisconsin Transportation Builders Association, Wisconsin Manufacturers and Commerce, Aggregate Producers of Wisconsin, Wisconsin Towns Association, Wisconsin Counties Association University of Wisconsin Extension, Wisconsin County Code Administrators, Wisconsin Department of Transportation, American Society of Surface Mine Reclamation, Wisconsin County Highway Association, an environmental group called FOCUS, the Sierra Club, Wisconsin's Environmental Decade, and the Wisconsin Geologic and Natural History Survey.

The primary driving force is industry Wisconsin Transportation Builders Association, Wisconsin Manufacturers and Commerce, and other stakeholders including county and municipal government so that there could be a level playing field and consistent and reasonable regulatory framework and expectations for all.

Comments From Resp. Sum. Attach. III A, E

- When a county fails to perform there is the **need for the Department to be the backstop** and either assume the program or arrange for the uniform standards to be applied through a program by contracting out with a consultant to administer the program.
- Counties cannot be expected to audit cities villages and towns within their jurisdictions.

(6) COST BENEFIT ANALYSIS:

It would seem that a cost benefit analysis ought to be done at least informally on each of the decisions.

On the NR 135 issue there is a revenue, a mandate, expectations on the part of stakeholders and a mission - where is the down side?

SOME PRIMARY REASONS WHY CUTTING NONMETALLIC MINING PROGRAM WOULD BE A POOR DECISION

- The public, legislators, have always contacted the DNR on nonmetallic mining matters prior to the existence and funding mechanism being in place and that will continue to happen whether we have an effective and funded program or not.
- It is neither desirable nor possible to have the DNR leave the interaction completely.
- There must be a credible objective source of information/perspective to support the program. That can only come from the DNR.
- There must be a capacity for the Department to act to resolve disputes and render objective "third-party" technical opinions between industry and a given regulatory authority (such as that between Door County and several large and influential operators in Door County).
- When a county fails to perform there is the need for the Department to be the backstop and either assume the program or arrange for the uniform standards to be applied through a program by contracting out with a consultant to administer the program.
- Counties cannot be expected to audit cities villages and towns within their jurisdictions. Only the DNR can do this.

CONCLUSION:

The idea of removing the DNR presence from the mix needs to be thought through much more carefully - it could prove fatal to the future of the program and harmful to public image and trustworthiness of DNR & Waste Program if we abandon promises and fail to honor the trust and expectations of stakeholders.

Also please see: **Comments From Resp. Sum. Attach. III A, E, F, H, I**

ATTACHMENT 1

REDESIGN PRINCIPLES

REDESIGN PRINCIPLES	RELATED ACTIONS & FACTS	NOTES & COMMENTS
Program is adaptive, progressive and collaborative	Department staff has spent considerable time working to develop a consensus rule with the input of a Technical Advisory Committee (TAC) comprised of many organizations. This partnership is between the Department, industry, and county and local governments WCA & WWCA.	<p>Section 295, Wis. Stats., and as a result, NR 135, Adm. Code, creates a structure based on a policy of partnership between the Department , industry and county and local government.</p> <p>Today, the NMAC continues this tradition of partnership and collaboration in keeping with the tradition established from the beginning the regulation of nonmetallic mining reclamation.</p>
Work and initiatives ensure funding stability for the program	The law requires that the program be self-funded and the RA - county or municipal entity administering the rule -collect fees imposed on active mining operations. Further, fees are also to be collected and forwarded to the Department to cover administrative costs. The DNR's costs including oversight and technical support are also funded in this manner - collected by RAs and forwarded to the DNR.	
Addresses the concerns of stakeholders	The creation, development, and on-going implementation of the NR 135 program is the very model of collaboration of DNR and a wide range of partners to arrive at a "Win: Win" Solution	The NMAC continues this tradition of partnership and collaboration.

REDESIGN PRINCIPLES	RELATED ACTIONS & FACTS	NOTES & COMMENTS
<p>Work/Initiatives direct resources to activities that effect the greatest public health and environmental benefit/impact</p>	<p>Leverage our efforts, be a partner and a player - have a vantage point to affect processes such as Smart Growth</p> <p>The rule also provides for the registration of a nonmetallic mineral deposit to reserve these valuable and finite resources for the needs of a future generation. There is an unprecedented opportunity to both enhance creativity in post-mining land use and to minimize land use conflicts. This is especially true in light of the new Wisconsin Comprehensive Planning Legislation and Smart Growth (signed into law on October 27, 1999) concepts initiative and attendant land use planning and zoning efforts.</p>	<p>Comprehensive Growth Nonmetallic Mineral Resource Data Workgroup The group was formed in response to a NMAC motion at the August 2002 meeting. to maximize the impact of registration provisions of NR 135.</p> <p>In the case of NR 135, by using the interaction with stakeholders as a springboard we can realize the above plus maintain the potential to take advantage of other creative opportunities that are discovered.</p> <p>Leverage our efforts by intelligently interacting with others who are in a position to make things happen but do not have the big picture.</p> <p>Without a viable DNR presence, there is no potential to dialogue with stakeholders and to identify opportunities and act.</p>

ATTACHMENT II

"BACKGROUND & SUPPORTING MATERIALS

BACKGROUND

I'd like to provide a little background. First, it is critical to recognize that this is not a federally mandated program nor was it a NRB or DNR initiative - it was created at the bequest of the industry - who wanted a "level playing field" - the legislature mandated the DNR to create the program. It would be highly questionable to pull away any resources or functions from an already streamlined to the bone program. Further cuts would clearly prevent us from honoring commitments made in the process.

This rule, NR 135, began with industry, county government and the public intervenor meeting with legislators to address longstanding needs and be proactive in developing a regulatory framework that was a "win-win" situation.

Governor Thompson's signing of the Wisconsin Act 464 back in 1994 requiring the Department of Natural Resources to adopt rules containing standards to meet in reclaiming nonmetallic mine sites and defining the interaction between the county and the state.

The proposed rule establishes a statewide system of county and locally administered reclamation programs for nonmetallic mines, to be funded by fees on active nonmetallic mines. The statute requires the Department to write these rules, to assist in establishing county and municipal reclamation programs, and provide oversight to assure these programs meet state standards. The key requirement is nonmetallic mines be reclaimed to a beneficial post-mining land use after active mining ends.

WHY DID INDUSTRY SUPPORT THE RULE?

Critical to integral and fundamental idea of a "level playing field" - probably the single greatest concern for industry.

EVERYONE BENEFITS FROM CONSISTENCY, PREDICTABILITY AND RESPONSIBILITY

Industry and the public will benefit from a consistent and predictable regulatory environment. The establishment of a statewide rule and county and municipal administration of a reclamation ordinance will yield a uniform regulatory environment and a safe and beneficial post mining land use. *Industry and the public will benefit from a consistent and predictable regulatory environment.*

counties or municipal government may exercise local control suited to the needs of the area and the land uses that may be most desirable in the context of local land use planning.

yields a uniform regulatory environment TO FACILITATE the responsible reclamation of the mining site to a safe and beneficial land use.

county and local government would not have to worry about mines either being "artificially" attracted to an area or leaving an area based the effect of widely variable regulatory requirements from one jurisdiction to another upon operating costs.

the costs and reclamation and environmental standards would be predictable from one place to another.

The Department established the statewide standards and has oversight, but county and local governments are responsible for issuing permits, collecting fees, and implementing the law. The

NR 135 program makes it easier for mine operations to comply and more efficient for counties to administer.

creative approaches to reclamation will replace abandoned minesites.

Large mine operators, such as roadbuilding and construction firms and their trade organizations, will probably support most aspects of NR 135 as a way to provide relatively uniform statewide standards which will make their planning easier. Large operators will probably support NR 135's requirements for all nonmetallic mining operations to meet minimum planning and reclamation standards (which many large operations currently routinely carry out, at significant cost) and avoid negative publicity that "bad actors" can generate for the industry.

By statute, the Department will retain the ultimate responsibility to ensure compliance with reclamation standards. Primarily, this is intended to be accomplished by DNR oversight of county and municipal programs. Department oversight audits will assure that the uniform reclamation standards are complied with and the reclamation program is adequately and fairly administered. In addition, audits ensure that all regulatory authorities collect fees which are commensurate with the actual work performed in administering the program. When a county has been shown to not be adequately administering the nonmetallic mining reclamation program the Department is required by law to assume the program in that jurisdiction.

Oversight, audits & technical support are a proactive set of actions aimed at preventing that worst case from occurring.

WHY DID THE REGULATORY ENVIRONMENT IN PLACE BEFORE NR 135 NOT WORK?

Nonmetallic mining that occurs in or adjacent to streams has been regulated for some time by NR 340 pursuant to Ch. 30 Stats. NR 340 requires permitting and reclamation planning to protect the waters of the state. Although an option, relatively few counties or municipalities had either adopted a permissive ordinance under s.66.038 or exercised controls through zoning under Chs. 59, 60, 61 and 62 Stats. by 1994. Therefore, comprehensive regulation of the environmentally significant aspects of all nonmetallic mining sites, particularly reclamation requirements, had yet to be developed on a statewide basis in Wisconsin. The absence of regulations requiring the reclamation of nonmetallic mining site upon closure results in abandoned sites, safety hazards, loss of productive land use, loss of tax base, environmental damage and eyesores.

Prior to NR 135, the regulatory environment was a confusing patchwork of regulations often varying widely in the degree of regulation across local government jurisdictions. There is an increasing potential for conflicting interests as nonmetallic mining resources are developed. Potential conflicts result from the large number of mines, the wide variety of geologic resources, the variety in the types of mining, and the large demand for nonmetallic mineral resources. These problems have been brought into focus by local government, environmental groups and members of the public. the regulatory environment has been a patchwork of regulations often varying widely in the degree of regulation across local government jurisdictions. Relatively few counties or municipalities have either adopted a permissive ordinance under s.66.038 or exercised controls through zoning under Chs. 59, 60, 61 and 62 Stats. While some jurisdictions have very sophisticated programs others have essentially nothing at all. Therefore, comprehensive regulation of the environmentally significant aspects of all nonmetallic mining sites will minimize such variability.

Industry and the public benefit from a consistent and predictable regulatory environment. The establishment of a statewide rule and county and municipal administration of a reclamation ordinance has produced a uniform regulatory environment and a safe and beneficial post mining land use.

Good reclamation will increase the economic, biological and/or recreational value of the land. All this potential is either enhanced or limited by the effectiveness of the planning which takes place before the mining operation begins.

ATTACHMENT III SELECTED EXERPTS FROM 1998 RESPONSIVENESS SUMMARY

COLLOBARATIVE APROACH

A) **RESPONSIVENESS SUMMARY COMMENT:** *...Clearly it has been a long process with the opportunity for everyone who had an interest to have their say. The result will be a nonmetallic mining reclamation law and administrative rules that provide an even playing field for all and assure that reclamation is a policy that all will fairly follow. I appreciate the work of the diverse group of highly qualified people from around the state who served on the Nonmetallic Mining Council and the Technical Advisory Committee to develop these rules. ...As author of the original nonmetallic legislation, I strongly support the proposed rules and encourage the acceptance by the Natural Resources Board.*

SOURCE: Representative James Baumgart (Original Author of Bill)

B) **RESPONSIVENESS SUMMARY COMMENT:** *Wisconsin Transportation Builders Association (WTBA) recognizes the need for adequate reclamation of nonmetallic mining sites and applauds the department's efforts in obtaining extensive participation from the stakeholders and others regarding the development of NR 135. The rules are the product of an extensive effort by both DNR staff and stakeholders. In general, WTBA finds the rules to be well organized and well written.*

SOURCE: Wisconsin Transportation Builders Association

C) **RESPONSIVENESS SUMMARY COMMENT:** *I feel that the Technical Advisory Committee/Nonmetallic Mining Council has been a cordial, hardworking and productive group of representatives from various backgrounds ... I also appreciate all of the work that Kevin Kessler, Dan Graff and you (Tom Portle) have done in drafting the rules and leading the proceedings. I personally feel we have come a long way in reaching a workable administrative rule that will benefit all the people of Wisconsin.*

SOURCE: Ron Garrison, Mathy Construction Co.

D) **RESPONSIVENESS SUMMARY COMMENT:** *I think that you (Tom Portle), Dan Graff and Kevin Kessler did an admirable job of building consensus among diverse interest groups and of shepherding NR 135 through the revision process. I look forward to working with you in the future.*

SOURCE: Justin Cavey, Marathon County Zoning Department

FEES/OVERSIGHT- TRUST

E) **RESPONSIVENESS SUMMARY COMMENT:** The industry is concerned that local government will not be consistent with the Department in developing the fee structure, and fees will be too high. I believe that the Department's suggested fees are more than they need to be.

SOURCE: Edward Reesman, Payne and Dolan, Inc.

RESPONSE: s. NR 135.39(4)(b) 2. indicates that there must be specific justification if county/local costs exceed tables 2, 3 and 4. The amounts in these tables are based upon Department staff's best estimate of its anticipated actual costs in cases where the Department must act as the regulatory authority.

NOTE: DNR OVERSIGHT

- The law requires the Department to conduct performance audits of each county or municipal nonmetallic mining reclamation program and provide a written report every ten years.
- the Department must audit all counties and municipal entities that have opted to administer a program to assure that they are in compliance with the standards in the rule. In the rulemaking process the Department and the TAC have worked to provide clarification of the criteria and procedures to be employed in Department audits.

DNR OVERSIGHT & TECHNICAL ASSISTANCE

F) COMMENT: NR 135.52. Adequate training to counties and cost data are necessary prior to the adoption of ordinances.

SOURCE: Bill Bosiacki, Brown County Zoning Administrator

RESPONSE: The Department intends to work with statewide organizations like the Wisconsin Towns Association and Wisconsin Counties Association in these educational and technical assistance efforts intended to emphasize ways to document the range of costs that regulatory authorities might be expected to incur in association with program implementation. Also, please see response to comment number 70.

OVERSIGHT-AUDIT

G) COMMENT: NR 135.49. **An audit once every 10 years is not adequate.**

SOURCE: **Bill Bosiacki, Brown County Zoning Administrator**

RESPONSE: The 10-year requirement is the minimum frequency established by statute. More frequent audits can be conducted if needed and are anticipated.

FEES/OVERSIGHT-AUDIT/TECHNICAL SUPPORT

TRUST

H) COMMENT: The County is also opposed to collecting and sending fees to the State with a promise from the State to assist in the administration of this program and audit the program annually. It is highly unlikely, based on similar programs, that the state will offer much in the way of assistance or conduct annual audits. The Department must provide adequate service for the dollars collected.

SOURCE: **Marinette County Zoning Committee and Rebecca J. Frisch, Langlade County, Director, Land Records and Regulation**

RESPONSE: This is a statutory requirement. The Department intends to provide adequate staffing to assist county and local programs and to perform its auditing role as appropriate. Also, please see response number 70.

TRUST - OVERSIGHT-AUDIT/TECHNICAL SUPPORT

I).COMMENT: Make certain that the Department allocates adequate staff to the Northern part of the state to support this program.

SOURCE: **Steve Osterman, President, Wisconsin County Code Administrators; Rebecca J. Frisch, Director, Langlade County Land Records and Regulations**

RESPONSE: The Department agrees that adequate staffing in the Northern part of the state is essential and this will be considered in the allocation of resources.

Part II. Generalize audit function and Long-term Drop Audit function

Long term "Sunset state oversight (NMM). - see part 1 above.

Other Options:

Short term: There is nothing fatal in "centralizing the audit function".

"fees and annual report submittal"

"Incentive for counties to take program back."

What does the above really mean?

We currently are dealing with several RA noncompliance situations.

The non-desirable but necessary consequence of a lack of resolution of any of these would be an audit leading to a public hearing and the removal of the RA and replacement by the DNR.

One issue now is that the threat that DNR will take over program - especially for an RA who is not that excited about the program to begin with is a "stick without a carrot" - thus ... the language referring to "Incentive for counties to take program back." - a change to existing statutes.

Long term: To drop the function is tantamount to dropping the program (see rationale for Part I).

if fees and reports and compliance were documented in the mid0-term then the "long term" could be considered but as documented in Part I it would not be a good strategy.

Written Comment:

Bureau Structure

My compliments on the thought given to our business functions and the skills needed to accomplish the work of the bureau.

My bias is toward Option 2, which includes section names with a sub-program identity. Since our shift away from this in 1995-96, I have heard from staff in both the regions and central office that it's difficult to figure out where to go with a question. In addition, people who are "go-to" staff in the subprograms in some cases report to different supervisors. For example, staff assigned to HW work do not all report to the same supervisor. In continuing with this example, it seems to me – and to many others – that it would make more sense to have the few staff that have a HW focus work in the same section, and report to the same supervisor. We want a structure that fosters esprit de corps, to the extent possible.

As I understand Option 2, problems of this nature would at long last be corrected, bringing new efficiencies and energy to the program. I know there's some concern that this model may stymie integration. I don't share that concern, as it's been my experience that integration will occur within most any structure if managers promote and nurture it, and if staff is committed to their work such that they look for opportunities for integration and then act on them.

A comment on how externals view our organization, at least from my perspective: I don't think they care at all how the boxes in our org chart are aligned, so long as we structure ourselves to serve them efficiently, and are able to respond quickly to evolving business needs, as well as to opportunities such as Green Tier. I attended the December 16 meeting with externals where the two options were presented, and I asked the externals if they gave "two hoots" about our structure, as long as we served them in the manner described above. They (there were only three externals present at the meeting) responded that they did not. Frankly, I think the business community as well as the general public has an expectation that it's *our* responsibility to identify our business functions and to structure ourselves to be efficient and responsive. We have a very mature program, with over a thousand person years of experience. Externals may well raise an eyebrow about our ability to make the best use of our diminished resources to grow our program if we are perceived as having to spend hundreds of hours debating really fairly minor structural changes that have been intuitive to many for so long. Maybe in our haste to embrace stakeholders in all aspects of our business we have gone too far? Food for thought, perhaps.

Plan Review

The Redesign Team has done so much work, and I admit I haven't taken the time to read all that's been published since this effort began. However, a discussion of the existing plan review model seems to me to be conspicuous by its absence. Did we subject how we currently do plan review to the standard problem-solving model of defining the problem, identifying potential solutions and then later recommending and implementing a solution? If so, I missed it. Examining our current model – and suggesting improvements as necessary – is especially important to me as one of the regional managers assigned responsibility for ensuring that plan review is done well. Here are some thoughts for consideration:

- Plan review was decentralized with our major agency reorganization in 1995-96. At that time, plan review was perceived by many externals as being too slow and the assigned staff too inaccessible. The agency's consultant recommended decentralization as a way of improving the odds that staff would take increased ownership of their assigned sites, and the Senior Management Team (now DLT) made a decision to bring plan review staff "closer to the public", while at the same time convening a CQI study to recommend improvements to solid waste plan review.

Many of us embraced the opportunities for improving plan review that were offered by the decentralized model. We worked hard to blend plan review with the regulatory responsibilities of our program, requiring (for example) that review staff also conduct

operational inspections of their assigned facilities, thereby involving them not only in review of plans, but also field implementation of the conditions of approval. Being a stakeholder in feasibility /design review, construction, and now operation over the life of the site provided *increased ownership* along with opportunities to build professional partnerships with facility owners, operators, and consultants beyond the approval process. For many review staff, this increased ownership provided enhanced job satisfaction. For some, the exposure has been uncomfortable.

- Many of us immediately began to work on the inherited plan review backlog, all the while working in tandem with staff to attempt to deal with incoming projects in a timely manner as dictated by code and statute. Review staff and managers walked the talk of accountability before the “A” word became fashionable. Only now, as our tracking systems catch up with our work, are we able to see the tremendous progress that’s been made in eliminating the backlog and being responsive to current business needs.
- Obviously, my bias is that we’ve performed well; I think the numbers support that contention, and I believe the sentiment of the externals does, as well. I have heard of only one significant error which could be attributed to doing plan review in a decentralized mode. I believe the error occurred as a result of not following the *existing protocol* of ensuring central office review of draft approvals. No model is perfect; no engineer, hydrogeologist, or supervisor is infallible. In this situation, a memo reminding all of the need to do the agreed-upon consistency check was sent – problem identified, solution implemented.

For whatever reason, then, our current plan review model apparently was not considered worthy of keeping around, even with some tweaking. Or, perhaps a more positive view would be that the Redesign Team attempted to keep the elements of the existing system that were found to be most attractive, while incorporating improvements to deal with perceived problems or complaints. In any case, here’s my critique:

- In formulating plan review teams, it seems we’re putting the blinders on them – focusing the work of the teams on the single component of plan review. Perhaps some inspections would be done, but it’s my understanding that technical staff would do almost exclusively plan review work, thus being denied the opportunity to work the broader spectrum of waste management issues in the communities they now serve in their (for the most part) decentralized mode. Responding to a few complaints, checking out a transfer station or a MRF once in awhile - these opportunities provide breadth to one’s understanding of the challenges faced by the public and waste companies we serve. This better-rounded perspective on the world, this “big-picture view” of the business is certain to help staff deal with some of the structural and process concerns identified in the August 5, 2004 **Final Report: External Focus Group**. And, from my perspective as a manager with dwindling staff, being able to assign technical staff to perhaps 10% other-than-plan review work provides me with flexibility that I wouldn’t otherwise have.
- I understand the enthusiasm on the part of some for technical “experts” in the Bureau as a way to “provide oversight, mentoring, technical assistance and peer review”. Making the appropriate expert a signatory to the approvals would ensure that all these laudable goals are achieved - at least that is the hope, I’m sure. I’m skeptical, though. First off, expertise in Wisconsin’s waste management business is a shared commodity. Certainly, field staff who have been performing the bulk of the plan review for the past 8 years were positioned to grow with the industry, and thereby acquired expertise. Similarly, a number of consultants and engineers working for the major landfill companies have both academic and “hands on” expertise. This was illustrated just last month when a landfill company engineer was invited to share his nationwide experience with bioreactors with our technical staff at an upcoming meeting.

There is a better way to achieve these goals, I believe. Let me illustrate with a recent, real-life example. In November, WCR received a plan of operation for an expansion of our region’s largest landfill. The plan proposed several new directions – some policy, some technical in nature. The company was very up-front in alerting us to their proposals, and came to the region with a three-hour presentation, offering to answer any questions we had. Unfortunately, central office had not been privy to that meeting, and initial reaction to the

proposals, based upon internal emails and conversations among ourselves, was not positive. However, in a subsequent meeting and follow-up conference call, our comfort level increased to the point where we could accommodate many of the initiatives proposed by the company. *Success came to us because of a sharing of expertise – DNR experts, company experts, and an expert from a respected consulting firm sitting down and listening to one another, asking questions and challenging each other.* My point is that we must leverage all the expertise available to us if we are to meet our commitment to protect the environment and the public and private interest in this business. Furthermore, to designate two narrowly focused technical experts with signatory power may have the effect of overshadowing other skill sets vital to our success in plan review, such as the ability to negotiate, communicate effectively with all parties to a project, or identify opportunities to take risk. (See the Opportunities Matrix, item 1 under Customer Service, items 2&3 under Innovation, item 5 under Environment).

- I'm deeply concerned that adding another signature line to our approvals will work against accountability. As it is now, the buck stops on my desk with respect to final responsibility for meeting our review deadlines. Under this proposal, it seems I would share that responsibility with the experts, whom I would not supervise. I see the potential for bottlenecks in the system that aren't there now. It would seem that staff might feel as though they have two supervisors. This reminds me of the old area director/staff specialist relationship, where the area director (here, program manager) signed the timesheets and did the performance reviews, while the staff specialist (here, Bureau expert) provided program direction and mentoring. Today, if I get a call from an external wondering about the status of a project, I feel empowered to take action and be accountable to the caller. I think I would lose some of that ability under this proposal.
- I'm more comfortable with the proposal regarding HW plan review. Overall, regional staff assigned to the TSD facilities for inspections, plan mods, etc. can accomplish that work most efficiently. However, as relicensing occurs only every ten years, it make sense to have at least one technical expert that can keep up with rule changes and advancing technology, available to assist.